

DOCKET NO.: HHB CV 15-6029045-S : SUPERIOR COURT
ANTHONY GEORGER : J. D. OF NEW BRITAIN
V. : AT NEW BRITAIN
SHELDON B. CROSBY, ET AL : NOVEMBER 8, 2016

**DEFENDANTS' SUPPLEMENTAL FILING IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT DATED 10/7/16**

Pursuant to the hearing regarding this Motion for Summary Judgment which took place on November 7, 2016 before the Honorable Lisa Morgan, the undersigned Defendants Hilary Donald and Sheldon Crosby respectfully submit this Supplemental Filing attaching a certified copy of the pages of the deposition transcript of James Donald relied upon in the Motion for Summary Judgment as **Exhibit B**, and request that this also be considered as **Exhibit B** to the Motion for Summary Judgment.

Due to a pagination/line difference between the original copy of the transcript and the Certified copy of the transcript, all of the portions of the deposition of James Donald are included on Pages 32-34 of the Certified Copy of the Transcript and Page 31 turned out to be irrelevant and superfluous.

Due also to the pagination/line difference created by the certification, Page 31 of the certified transcript actually contains information of a sensitive nature relevant to both the plaintiff and defendant James Donald. For this reason, the Defendants respectfully

request that the Court disregard Page 31 of Exhibit B and refer only to pages 32-34 of the certified transcript, which contains all portions of the transcript relied upon in the Motion for Summary Judgment. For the same reason, the Defendants also file herewith a Motion to Seal this Supplemental filing for the protection of both parties.

THE DEFENDANTS,

BY /s/425887
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CERTIFICATION

I hereby certify that on the 8th day of November, 2016 a copy of the foregoing has been mailed to the following counsel and pro se parties of record:

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EXHIBIT B

1 SUPERIOR COURT STATE OF CONNECTICUT

2 JUDICIAL DISTRICT OF NEW BRITAIN

3 AT NEW BRITAIN

4 HHD/CV/15/6029045/S

5 - - - - - X

6 ANTHONY GEORGER,

Plaintiff,

- against -

8 SHELDON B. CROSBY, ET AL.,

Defendants.

10 - - - - - X

11 COPY

12 EXCERPT OF PROCEEDINGS

14 DEPOSITION of Defendant, JAMES
15 ALEXANDER DONALD, taken by Plaintiff, pursuant
16 to Notice, at the law offices of Murphy,
17 Laudati, Kiel, Buttler & Rattigan, LLC, 10
18 Talcott Notch Road, Farmington, Connecticut,
19 on Thursday, June 16, 2016, commencing at
20 10:05 a.m., before Margaret Gmerek, a
21 Certified Shorthand (Stenotype) Reporter and
22 Notary Public within and for the State of
23 Connecticut.

24 NIZIANKIEWICZ & MILLER
25 972 Tolland Turnpike
East Hartford, Connecticut 06108
(860) 291-9191

1 A P P E A R A N C E S:

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BY: THOMAS P. CHAPMAN, Esq.

21

(N O T P R E S E N T)

22

23

24

25

1 A P P E A R A N C E S:

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13 Messrs. HASSETT & GEORGE, P.C.
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20 BY: JEFFREY McDONALD, Esq., Associate

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1 IT IS HEREBY STIPULATED
2 AND AGREED that the filing and sealing of
3 the within deposition be, and the same
4 are hereby waived;

5 IT IS FURTHER STIPULATED
6 AND AGREED that all objections, except as
7 to the form of the question, be and the
8 same are hereby reserved to the time of
9 the trial;

10 IT IS FURTHER STIPULATED
11 AND AGREED that the within deposition may
12 be sworn to before any Notary Public with
13 the same force and effect as if sworn to
14 before a Justice of this Court;

15 IT IS FURTHER STIPULATED
16 that the transcript is to be certified by
17 the reporter.
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25

Donald

1 J A M E S A L E X A N D E R D O N A L D ,
2 called as a witness, having been first
3 duly sworn by Margaret Gmerek, a Notary
4 Public within and for the State of
5 Connecticut, was examined and testified
6 as follows:

7 (Below begins the requested
8 excerpt Pages 31 through 33.)

9 EXAMINATION BY MR. LAUDATI:

10 Q You don't know?

11 A No.

12 Q Was there anything unusual about your
13 physical or mental reaction to the key bump
14 that night in your mind?

15 A No.

16 Q Did you observe A.J. doing a key
17 bump?

18 A Yeah.

19 Q Did he have any physical reaction as
20 far as you could tell?

21 A I couldn't see. I wasn't looking for
22 it so....

23 Q Thank you. What about Maciej?

24 A No.

25 Q And did you say that there were no

Donald

1 drugs in a pill form that you know of at the
2 party?

3 A Yes.

4 Q Thank you. Did your stepfather know
5 that you were having guests over at your mom's
6 house?

7 A No.

8 Q Where was your stepfather that
9 evening?

10 A With my mom in Rhode Island.

11 Q What is in Rhode Island?

12 A We were on vacation.

13 Q Do you own a house up there?

14 A No.

15 Q Or rather do your parent's own a
16 house?

17 A No.

18 Q Renting a house?

19 A No.

20 Q You don't --

21 A (Continuing) Staying at a place by
22 the beach.

23 Q Okay. And what did you tell your
24 step-dad was going on that night?

25 A I really didn't tell him anything.

Donald

1 Q What --

2 A I --

3 Q -- about --

4 A -- didn't --

5 Q -- your --

6 A -- really --

7 Q -- mom -- I'm sorry.

8 A -- communicate with him.

9 THE REPORTER: Would you repeat
10 that.

11 A I didn't communicate with my step-dad
12 about it.

13 Q Had you communicated with your mom
14 about it?

15 A I had told her, she was the one I had
16 talked to. I told her I had work that night
17 and I was going back to work and that I would
18 be staying at my father's house.

19 Q Okay. Where does your father live
20 relative to --

21 A He lives on Farmington Avenue. The
22 corner of Farmington and Main Street at the
23 Elm Tree Inn.

24 Q And what was the address that you
25 were residing at when this party occurred?

1 A 14 Colton Street.

2 Q Farmington?

3 A Yeah.

4 Q And what did you tell your father?

5 A I told him I was staying in Rhode

6 Island, I didn't have work that night.

7 Q Do you recall when A.J. Georger

8 arrived at your house that evening?

9 A The time I do not, I know he was the
10 last one to come though.

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14 (No Hiatus)

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C E R T I F I C A T E

STATE OF _____:

COUNTY/CITY OF _____:

Before me, this day, personally appeared
JAMES ALEXANDER DONALD, who, being duly sworn,
states that the foregoing transcript of their
Deposition, taken in the matter, on the date,
and at the time and place set out on the title
page hereof, constitutes a true and accurate
transcript of said deposition.

JAMES ALEXANDER DONALD

SUBSCRIBED and SWORN to before me
this _____ day of _____, 2016, in
the jurisdiction aforesaid.

My Commission Expires Notary Public

C E R T I F I C A T E

STATE OF CONNECTICUT)

) ss.

COUNTY OF HARTFORD)

I, Margaret Gmerek, a Shorthand
(Stenotype) Reporter and Notary Public of
the State of Connecticut, do hereby certify
that the Excerpt, Pages 31 thorough 33 of the
foregoing Deposition of the witness, JAMES
ALEXANDER DONALD, taken at the time and
place aforesaid, is a true and correct
transcription of my shorthand notes.

I further certify that I am neither
counsel for nor related to any party to said
action, nor in any wise interested in the
result or outcome thereof.

IN WITNESS WHEREOF, I have hereunto set
my hand this 16th day of June, 2016.

Margaret Gmerek
MARGARET GMEREK